

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MODESTO RODRIGUEZ,

21-CV-8565 (CM) (OTW)

Plaintiff,

-against-

**DECLARATION OF JAMAL
RIGAULT**

THE CITY OF NEW YORK, WARDEN STEVEN
BASTIAN, OFFICER MICHELLE GONZALEZ,
ANTOINETTE DOUGLAS, and LACHONDA LUCAS,

Defendants.
----- X

JAMAL RIGAULT, declares pursuant to 28 U.S.C. § 1746, under penalty of perjury, that
the following is true and correct:

1. I am a Captain at the New York City Department of Correction (“DOC”).
2. I have held this position since 2016.
3. I am familiar with the procedure that was in effect in 2020 at the time when Modesto Rodriguez was released of how inmates with a parole hold are released from custody.
4. It is my understanding that in 2020, DOCCS would lift inmates’ parole warrants.
5. The parole hold can be lifted, *e.g.*, by a warrant lift or *habeas* order.
6. That parole hold stays in effect until DOC receives a parole warrant lift from DOCCS.
7. In my experience, in 2020, *habeas* orders were generally sent by the Court to DOCCS, after which DOCCS would send DOC a warrant lift.
8. DOCCS sends warrant lifts to DOC Custody Management.
9. DOC cannot release the inmate until Custody Management receives a parole warrant lift from DOCCS Division of Parole, as DOC requires documentation confirming the lift of the inmate’s warrant prior to effectuating their release.
10. On March 31, 2020, at 12:31 P.M., Correction Officer (“CO”) Adam Figueroa received an email from DOCCS with a warrant lift for the release of Modesto Rodriguez.

11. This is the first and only notification DOC received with a warrant lift for Modesto Rodriguez.
12. Once CO Figueroa received the warrant lift, it was printed in the Custody Management Office and reviewed for errors/discrepancies. Once none were found, it was signed/stamped and forwarded to the facility where Modesto Rodriguez was housed – OBCC - in order to lift the warrant, barring no other holds, and effectuate the immediate release of Modesto Rodriguez,
13. That same day, March 31, 2020, Modesto Rodriguez was released from custody.
14. Modesto Rodriguez's *habeas* order was never received by DOC.

Dated: New York, New York
November 20, 2023

 Capt # 1840
JAMAL RIGAUT